

Complaints Policy

Mae'r ddogfen hon ar gael yn y Gymraeg / This document is available in Welsh

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Contents

Page 3	1 - Overview of Statement
Page 3	2 – Definition of a Complaint
Page 4-7	3 – Complaints Handling Procedure
Page 7	4 – Recording, Monitoring and Reporting Complaints
Page 7	5 – Review
Page 8	Process Flow Chart
Page 9-10	Appendix to Complaints Policy – Complaints Relating to the Welsh Language Standards imposed on the College under the Section 44 Welsh Language (Wales) Measure 2011 Compliance Notice
Page 10–13	Appendix 2 to Complaints Policy - The Additional Learning Needs Code for Wales 2021, Appeals and applications to the Education Tribunal for Wales

1. Overview Statement

The college aims to provide a high standard of service in all aspects of its provision.

Most people who access the college's sites and courses do not experience any problems. However, the college recognises that sometimes things can go wrong, and when they do, the college would like to know about it so that it can be put right. The college is committed to taking prompt action to ensure that it achieves its aim of providing a high-quality service. The aim of the Complaints Policy is to give a quick yet thorough response that answers all concerns appropriately.

A Designated Complaints Officer (DCO) is responsible for the appropriate handling of all complaints at the college. The DCO will ensure matters are resolved as quickly as possible in line with the college's Complaints Policy.

The college annually reviews the nature and number of all complaints. The monitoring and review of complaints contributes to the process of self-assessment leading to an improved quality of service.

2. Definition of a Complaint

The college defines a complaint as follows:

"An expression of dissatisfaction by one or more stakeholders about the college's action or lack of action or about the standard of service provided by the college or on its behalf which has had a negative effect on the complainant's experience."

Complaints involving safeguarding matters, additional learning needs (ALN), disclosure of matters of public interest, serious concerns such as alleged fraud, maladministration or unlawful activities should be directed to the DCO immediately for referral to take place under the appropriate policy and be referred to the Principal.

Following initial review, complaints regarding the conduct of a member of staff will be dealt with in accordance with the college's policies and procedures if appropriate. For reasons of confidentiality, no information will be provided about any actions, which the college make take in relation to a member of staff.

Complaints that relate to academic matters for franchised Higher Education programmes should be addressed by the university's complaints policy and procedures. Where matters are the responsibility of the college, complainants must follow the college's complaints policy and procedure.

A complaint is **not**:

- a routine first time request for a service
- a request for information, or an explanation of policy, or practice
- a disagreement with an academic judgement/ assessment decision
- claim for compensation from the college
- issues that are in court, or have already been heard by a court, or tribunal
- disagreement with a decision where a right of appeal exists, for example the academic appeals process
- a request for information under the Data Protection and Freedom of Information Acts
- a grievance by a member of staff
- an attempt to reopen or reconsider a complaint that has been concluded or given a final decision on

3. Complaints Handling Procedure

Who can make a Complaint?

Anyone who uses the college's services can make a complaint.

The Timeliness of a Complaint

All complaints should be submitted no more than four months after the last occurrence of the issue leading to the complaint.

How to make a Complaint

If an individual wishes to make a formal complaint they must detail that complaint in writing to the Principal who will forward it to the DCO. An individual can make a complaint in either Welsh or English.

Full address, contact number and email address details should be included in the complaint letter. This will ensure that the DCO sends any correspondence to the correct address.

If the complainant is a learner, they will also need to include their Learner ID number, the course they are studying and campus location.

The following headings should be used in a letter of complaint:

1. What has happened?
2. When did it happen?
3. Who was involved?
4. State what outcome or remedy will satisfy you

Please ensure that you clearly identify the main points of your complaint. Do not include any unnecessary detail.

Contact details

Jonathan Morgan, Principal & CEO

Coleg y Cymoedd
Nantgarw Campus
Heol y Coleg
Parc Nantgarw
Cardiff
CF15 7QX

Email: jonathan.morgan@cymoedd.ac.uk

Three Stage Procedure

The college will adopt a three-stage procedure for dealing with complaints:



Stage 1 – Frontline Resolution

For issues that are straightforward and easily resolved requiring little or no investigation.

A College Manager will review the complaint and discuss the issues with the appropriate parties.

The college will aim to resolve the complaint normally within 5 working days.

If the complainant is dissatisfied with the outcome of Stage 1, they must notify the DCO. The complaint will then progress to Stage 2. The college will aim to provide a full written response within 15 working days from the date the complainant informed the DCO that they were dissatisfied with the outcome of Stage 1.

Stage 2 - Investigation

For issues that have not been resolved at the frontline or that are complex or 'high risk' requiring further investigation or referral under another policy.

The complaint will be formally investigated by a College Manager who will provide a report with recommendations and findings. For learners with additional learning needs (ALN), advice should primarily be sought from the Head of Inclusion/ALNCo.

The complainant will receive an acknowledgement letter normally within 5 working days informing them of the College Manager appointed to the investigation.

The college will aim to provide a full written response normally within 15 working days of receiving the complaint. If the investigation is ongoing, the DCO will inform the complainant.

With complaints which are dealt with under People & Culture procedures, no information will be provided about any actions which the college may take in relation to a member of staff, for reasons of confidentiality.

Stage 3 – Appeal

For issues that have not been resolved to the reasonable satisfaction of the complainant.

If the outcome of the investigation does not reasonably satisfy the expectation of the complainant, they may opt to appeal. The right of appeal may only be considered:

- if there is new evidence, which was not made available at an earlier stage
- or where the complainant feels that the investigation was not carried out fairly or thoroughly
- and/or the findings were not borne out by the evidence

The complainant must appeal in writing to the Principal and this must be within 15 working days of receiving the college's response. A member of the Strategic Leadership Team will chair an appeal hearing. The hearing will consider all the documentation relating to the Stage 2 investigation and any new evidence provided by the complainant. The person who chairs the appeal will send a written response to the appellant normally within 15 working days of hearing the appeal.

A complainant has the right to bring someone with them to the appeal hearing e.g. a student union representative, a friend, a family member or advocate; however, they are not permitted to bring a legal representative.

Ideally, an appeal meeting will take place normally 10 working days after the appeal notice is received.

In the absence of the complainant, an appeal panel may opt to hear an appeal if suitable notice has been given. The findings must be recorded, and the complainant notified of the outcome.

If the complaint is in relation to ALN decisions about someone's additional learning needs, the child or young person involved can make an appeal application to ask Education Tribunal Wales (ETW) to look at the decision. The parents of children of compulsory school age can also make their own application. The complainant will be advised that they can refer the matter to the Education Tribunal for Wales and the College will not proceed any further through its internal complaints process in this instance. Please refer to Appendix 2 "The Additional Learning Needs Code for Wales 2021, Appeals and applications to the Education Tribunal for Wales".

The outcome of the appeal will be the final decision of the college.

Handling of Anonymous Complaints

The college values all feedback and this means that all complaints including anonymous submissions will be treated appropriately and action taken to consider them further, wherever it is correct to do so. In principle, the college will consider an anonymous complaint if there is sufficient information to be able to make further enquiries. If sufficient information is not available the complaint will be recorded and no further action (NFA) taken. A judgement not to pursue an anonymous complaint will be made by the DCO.

Vexatious Complaints

A vexatious complaint can be defined as manifestly, unjustified, inappropriate, or improper use of a formal procedure.

Complainants will be advised by the DCO where it is felt that the nature or number of complaints made by them is deemed to be vexatious. The DCO will seek advice on this determination from a senior post holder as appropriate.

Recording, Monitoring and Reporting Complaint

The college will record all complaints systematically; this enables the college to carry out management reporting.

The DCO will record and monitor all complaints. The following details will be recorded:

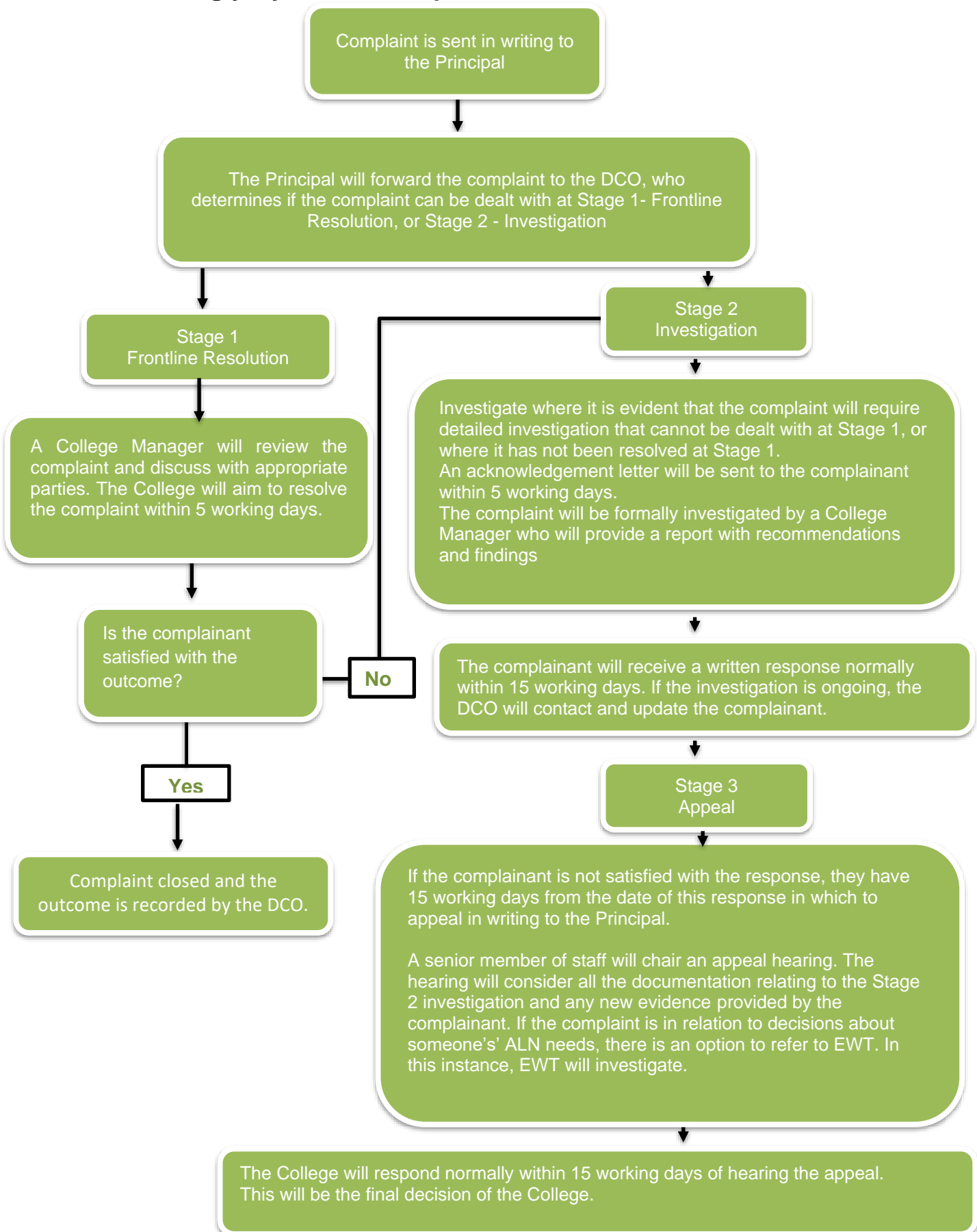
- Date received
- Date closed
- The complainant
- A summary of the complaint
- The category into which it falls
- The complaint's outcome at each stage
- Any other information deemed relevant.

The College produces termly reports on complaints and an annual report. The College will keep copies of complaints for two academic years. In some circumstances, the College may be required to keep records for a longer period e.g. Insurance claim.

REVIEW

This policy and procedure will be reviewed annually.

Coleg y Cymoedd Complaints Process Flow Chart



Appendix 1 to Complaints Policy

Complaints Relating to the Welsh Language Standards imposed on the College under the Section 44 Welsh Language (Wales) Measure 2011 Compliance Notice

Dealing with Complaints

Complaints relating to the Welsh Language Standards which the College has to comply with will be dealt with in the same way as any other complaint by using the College's complaints procedure. Any complaint should be directed to Jonathan Morgan, Principal & CEO, Coleg y Cymoedd, Heol y Coleg, Parc Nantgarw, Cardiff, CF15 7QY. Email: jonathan.morgan@cymoedd.ac.uk

The Welsh Language Standards which the College has to comply with in relation to complaints are:

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| Standard 155 | You must keep a copy of any written complaint that you receive that relates to your compliance with the standards with which you are under a duty to comply. |
| Standard 156 | You must keep a copy of any written complaint that you receive that relates to the Welsh language (whether or not that complaint relates to the standards with which you are under a duty to comply). |
| Standard 164 | You must—(a) ensure that you have a complaints procedure that deals with the following matters— (i) how you intend to deal with complaints relating to your compliance with the service delivery standards with which you are under a duty to comply, and (ii) how you will provide training for your staff in relation to dealing with those complaints, (b) publish a document that records that procedure on your website, and (c) ensure that a copy of that document is available in each of your offices that are open to the public. |
| Standard 170 | You must—(a) ensure that you have a complaints procedure that deals with the following matters— (i) how you intend to deal with complaints relating to your compliance with the policy making standards with which you are under a duty to comply, and (ii) how you will provide training for your staff in relation to dealing with those complaints, (b) publish a document that records that procedure on your website, and (c) ensure that a copy of that document is available in each of your offices that are open to the public. |
| Standard 176 | You must—(a) ensure that you have a complaints procedure that deals with the following matters— (i) how you intend to deal with complaints relating to your compliance with the operational standards with which you are under a duty to comply, and (ii) how you will provide training for your staff in relation to dealing with those complaints, and (b) publish a document that records that procedure on your intranet. |

Training for Staff in dealing with Complaints relating to the Welsh Language Standards with which the College has to comply.

A College Manager is appointed to review a complaint and discuss the issues with the appropriate parties under Stage 1 of the Complaints Procedure (Frontline Resolution) or to investigate under Stage 2 of the Complaints Procedure (Investigation).

All College Managers will receive annual update training on dealing with and managing complaints. This training will include dealing with complaints relating to the Welsh Language Standards with which the College has to comply. Particular reference will be made to the Welsh Language Standards (No.6) Regulation 2017, the Compliance Notice – Section 44 Welsh Language (Wales) Measure 2011 for Coleg y Cymoedd and the Explanatory Memorandum To the Welsh Language Standards (No.6) Regulation 2017.

Appendix 2

Coleg y Cymoedd Guidance

The Additional Learning Needs Code for Wales 2021, Appeals and applications to the Education Tribunal for Wales

This guidance can be read in conjunction with the College's Complaints Policy [here](#) and 'The Additional Learning Needs Code for Wales 2021' accessible [here](#).

When a local authority or Further Education Institution (FEI) makes certain decisions about someone's additional learning needs, the child or young person involved can make an appeal application to ask Education Tribunal Wales (ETW) to look at the decision. The parents of children of compulsory school age can also make their own application.

The College would welcome the opportunity to resolve any concerns and issues about the decisions made. If the outcome does not reasonably satisfy your expectation you may wish to appeal via ETW.

<i>About The Educational Tribunal for Wales (ETW)</i>	As stated in the 'The Additional Learning Needs Code for Wales 2021', "The Education Tribunal is independent of government, local authorities, schools and FEIs; and its decisions are legally binding. The Tribunal hears and decides appeals and applications in relation to children and young people who have or may have ALN. Specifically, it hears and decides appeals about the decisions of an FEI or a local authority in Wales."
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	<p>When a local authority or Further Education Institution (FEI) makes certain decisions about someone's additional learning needs, the child or young person involved can make an appeal application to ask ETW to look at the decision. The parents of children of compulsory school age can also make their own application.</p>
<p><i>The Educational Tribunal for Wales (ETW) Guidance Booklets</i></p>	<p>Appeal Guidance Document- here. This guide is for anyone making an ALN appeal to Education Tribunal Wales. This includes: children and young people under the age of 25; the parents of children of compulsory school age, and younger; case friends; and representatives.</p> <p>The guidance booklet contains information about how to make an appeal, important time limits for making an appeal, the type of information we need and what happens once an appeal has been made.</p> <p>Once you have made an appeal ETW will ask you for your case statement. The guidance booklet explains how to prepare a case statement and what information ETW need you to provide.</p>
<p><i>Accessing the Educational Tribunal for Wales (ETW) Website</i></p>	<p>The Education Tribunal provides on its website advice and guidance on the appeal process and the procedures to be followed (here).</p>
<p><i>What can I appeal about?</i></p>	<ul style="list-style-type: none"> • A decision by a further education institution or a local authority about whether a child or young

	<p>person has additional learning needs (ALN)</p> <ul style="list-style-type: none"> • In the case of a young person, a decision by a local authority about whether it is necessary to prepare and maintain an individual development plan (IDP) • The description of a person's ALN in an IDP (including planned start, review, and end dates) • The additional learning provision (ALP) in an IDP, or the fact that the ALP required is not in an IDP • Whether an IDP says that ALP should be provided in Welsh • The school or institution, or board and lodging, mentioned in an IDP for the purpose of meeting the child's reasonable needs for ALP • The school named in an IDP for admission, or if no school is named in an IDP for admission • A decision by the local authority not to change an IDP when a child, child's parent, or young person has asked the local authority to reconsider an IDP maintained by a maintained school A decision by the local authority not to take over responsibility for an IDP, which a school maintains, when the child or their parent, a young person or the governing body of that school has asked the local authority to maintain it instead • A decision to stop maintaining an IDP • A refusal to decide a matter because there is no change in needs, or no new information that materially affects the previous decision
<i>How long does it all take?</i>	<p>The process of appealing, from when ETW receives your appeal to when they make a final decision, usually takes four to five months. It may take longer depending on the type of case or how</p>

	complicated it is. ETW does not charge for its service.
<i>The Educational Tribunal for Wales (ETW) Appeal Application Forms</i>	Appeal application - here .
<i>Withdrawing an appeal</i>	Withdrawing an Appeal. Complete the ETW form (here) to let them know if you decide that you no longer want to continue with your appeal.
<i>What help can I get?</i>	<p>The following groups can offer advice:</p> <ul style="list-style-type: none"> • independent advocacy services; • voluntary organisations that help people with additional learning needs; • parents' groups; • independent parental supporters; and • parent partnership advisers.